

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**ROBIN JERSTAD,  
Plaintiff,**

**v.**

**DOSTUFF MEDIA, LLC,  
Defendant.**

§  
§  
§  
§  
§  
§  
§

**Case No.: 1:23-cv-01369-RP**

**DEFENDANT DOSTUFF MEDIA, LLC’S ANSWER TO COMPLAINT**

Defendant, DoStuff Media, LLC (“Defendant”), responds to the allegations of the complaint as follows:

Recited paragraph numbers in the following refer to the numbered paragraphs of the complaint filed by Plaintiff, Robin Jerstad (“Plaintiff”).

**INTRODUCTION**

1. Paragraph 1 is a statement of the nature of the case to which no response is required. Nevertheless, Defendant denies the allegations of paragraph 1 to the extent that they may indicate any fault or unlawfulness of Defendant.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2, and therefore denies them.

3. Defendant admits the allegations in paragraph 3.

4. Defendant denies the allegations in paragraph 4.

**PARTIES**

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5, and therefore denies them.

6. Defendant admits that it is a Texas limited liability company at the principal place of business, but denies liability or responsibility and the other allegations in paragraph 6.

### **JURISDICTION AND VENUE**

7. Defendant admits the allegations in paragraph 7.

8. Defendant admits the allegations in paragraph 8.

9. Defendant admits that venue is proper in this Judicial District. Nevertheless, Defendant denies the allegations of paragraph 9 to the extent that they may indicate any fault or unlawfulness of Defendant.

### **FACTS COMMON TO ALL CLAIMS**

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10, and therefore denies them.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11, and therefore denies them.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12, and therefore denies them.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13, and therefore denies them.

14. Defendant admits the allegations in paragraph 14.

15. Defendant admits the allegations in paragraph 15 to the extent that Defendant operates the Websites, but Defendant otherwise denies the allegations.

16. Defendant admits the allegations in paragraph 16.

17. Defendant admits the allegations in paragraph 17 to the extent that Defendant operates the Website, but Defendant otherwise denies the allegations.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18, and therefore denies them.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19, and therefore denies them.

20. Defendant admits the Exhibit 2 purports to be a photograph of Plaintiff, but Defendant otherwise denies the allegations paragraph 20.

21. Defendant denies the allegations in paragraph 21.

22. Defendant denies the allegations in paragraph 22.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23, and therefore denies them.

24. Defendant denies the allegations in paragraph 24.

25. Defendant denies the allegations in paragraph 25.

26. Defendant denies the allegations in paragraph 26.

27. Defendant operates the Website, but denies the remaining allegations in paragraph 27.

28. Defendant operates the Website, but denies the remaining allegations in paragraph 28.

29. Defendant denies the allegations in paragraph 29.

30. Defendant denies the allegations in paragraph 30.

31. Defendant denies the allegations in paragraph 31.

32. Defendant denies the allegations in paragraph 32.

33. Defendant denies the allegations in paragraph 33.

34. Defendant denies the allegations in paragraph 34.

- 35. Defendant denies the allegations in paragraph 35.
- 36. Defendant denies the allegations in paragraph 36.
- 37. Defendant denies the allegations in paragraph 37.
- 38. Defendant denies the allegations in paragraph 38.
- 39. Defendant denies the allegations in paragraph 39.
- 40. Defendant denies the allegations in paragraph 40.
- 41. Defendant denies the allegations in paragraph 41.
- 42. Defendant denies the allegations in paragraph 42.

**FIRST COUNT**

***(DIRECT COPYRIGHT INFRINGEMENT, 17 U.S.C. §501 et seq.)***

43. Defendant answers as noted in the preceding paragraphs, and therefore denies same.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44, and therefore denies them.

- 45. Denied.
- 46. Denied.
- 47. Denied.
- 48. Denied.
- 49. Denied.
- 50. Denied.
- 51. Denied.

**JURY DEMAND**

- 52. Denied.

### **AFFIRMATIVE DEFENSES**

In further response to the complaint, and without admitting the burden of proof on such issues, Defendant alleges as follows. Defendant reserves the right to amend and supplement these affirmative defenses and any other defenses at law or in equity that may now exist or in the future be available based on discovery obtained and further factual investigation in this action.

1. Plaintiff cannot establish that Defendant infringes or has infringed any valid copyright of Plaintiff.
2. Estoppel bars Plaintiff's suit.
3. Laches bars Plaintiff's suit.
4. Acquiescence bars Plaintiff's suit.
5. Without admitting such use, Defendant's use of the Photograph constitutes fair use under 17 U.S.C. § 107.
6. Defendant has a valid license.
7. Defendant acted innocently at all times.
8. Plaintiff's claims for relief are barred, in whole or in part, by the equitable doctrines of waiver, unclean hands, acquiescence, and/or estoppel.
9. Plaintiff's claims for relief are barred, in whole or in part, because of copyright misuse.
10. Plaintiff's request for damages is barred at least in part because Plaintiff failed to mitigate its alleged damages.
11. Plaintiff's request for attorney fees is barred at least because Plaintiff cannot meet the requirements of the copyright laws.
12. Plaintiff cannot prove that this is a case justifying an award of attorneys' fees.

13. Plaintiff's complaint, on one or more claims for relief set forth therein, fails to state a claim on which relief may be granted.

**RESERVATION OF RIGHTS**

Defendant hereby reserves the right to amend its Answer and reserves all defenses set out in Rule 8(c) of the Federal Rules of Civil Procedure, the Copyright Laws of the United States and the State of Texas, and any other defenses, at law or in equity, that become relevant during the course of litigation.

**REQUEST FOR RELIEF**

WHEREFORE, Defendant, DoStuff Media, LLC, respectfully requests that this Court enter judgment and grant relief as follows:

A. That the court dismiss all claims against Defendant with prejudice such that Plaintiff take nothing by way of the complaint; and

B. That the Court grant Defendant such other and further relief as the Court may deem appropriate and just.

Respectfully submitted,

Date: February 5, 2024

/s/H. Dale Langley, Jr.

H. Dale Langley, Jr.  
The Langley Law Firm, PC  
Texas Bar No.11918100  
1803 West Avenue  
Austin, TX 78701  
Telephone: (512) 477-3830  
Fax: (866) 735-9129  
dlangley@iptechlaw.com

**ATTORNEYS FOR DEFENDANT  
DOSTUFF MEDIA, LLC**

**Certificate of Service**

The undersigned certifies that a copy of the foregoing document was served on the attorneys of record for all parties to the above cause on February 5, 2024.

/s/H. Dale Langley, Jr.

H. Dale Langley, Jr.